

1                   **UNITED STATES DISTRICT COURT**  
2                   **DISTRICT OF OREGON**

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4           Dallas Buyers Club, LLC,    )  
5    )  
6                   Plaintiff,            )  
7    )  
8                   v.                    ) Case No. 3:15-CV-00907-AC  
9    )  
10          DOE-173.11.1.241,           )  
11    )  
12                   Defendant.         )

13                   DEPOSITION OF JOHN HUSZAR

14                   Taken in behalf of the Plaintiff

15                                   Portland, Oregon

16                                   February 25, 2016

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24           Reported by Allison Salus, Court Reporter and Notary  
25           Public

1 Q. Describe your understanding of what TOR is, what  
2 a TOR node is.

3 A. It is my understanding that it's a means for  
4 others which are using the TOR network to connect to the  
5 internet through a TOR node.

6 Q. And you have a binder with you today?

7 A. Yes, I do.

8 Q. Could you describe what that binder comprises?

9 A. These are most of the documents that relate to  
10 this complaint.

11 Q. As you're answering my questions, you are looking  
12 through the binder. Are you reading from the binder to  
13 answer my questions?

14 A. No.

15 Q. Okay. You are welcome to rely on any  
16 documentation you have to answer my questions. I will  
17 ask the opportunity to review that documentation though  
18 if you are going to rely on it to answer my questions.  
19 Do you understand that?

20 A. Can you repeat that?

21 Q. If you review anything so that you can answer my  
22 question, I'm going to ask to be able to see what you  
23 are reviewing.

24 A. Okay.

25 Q. So I'm perfectly fine with you having documents

1 in front of you and having an open binder and reviewing  
2 it, but if you --

3 MR. JUSTUS: Unless -- excuse me. Unless  
4 the documents include letters or e-mails from me.

5 MR. CROWELL: Correct.

6 Q. But if you are going to review anything for the  
7 purpose of answering a question, I'm going to either ask  
8 to see the document or have it affirmed that it is a  
9 privileged document and the basis for that privilege to  
10 be asserted.

11 A. Okay.

12 Q. Okay. So could you please tell me what you are  
13 looking at right now or what you were looking at to  
14 answer the question with regard to a TOR server?

15 A. I was looking at the most recent declaration  
16 which was filed with the court.

17 Q. Is that a declaration filed by you or somebody  
18 else?

19 A. Ben filed it for me with the court.

20 Q. So this is one of your declarations related to  
21 this case?

22 A. Yes.

23 Q. Okay.

24 MR. JUSTUS: Carl, I would just point out  
25 for the record that that has not been filed, I don't

1 believe. I think I just transmitted that to you  
2 pursuant to the exercise here.

3 MR. CROWELL: Okay. So he is reviewing the  
4 declaration you prepared for us to prepare for this  
5 deposition?

6 MR. JUSTUS: What I was referring to was was  
7 part of the order from the judge. We were to provide a  
8 written statement prior to this deposition which he  
9 provided in the form of a declaration which I then gave  
10 to you and you and I talked about it.

11 Q. Mr. Huszar, you said at one time you ran a TOR  
12 node through an IP address. When did you stop if you  
13 stopped?

14 A. I totally shut it down due to a hardware failure  
15 a few days ago.

16 Q. By a few days ago, more than five days?

17 A. Approximately five days.

18 Q. And prior to five days ago, for how long had you  
19 run a TOR node through one of your IP addresses?

20 A. To the best of my knowledge, approximately 14 --  
21 13, 14 months.

22 Q. So for all of 2015, you operated a TOR node  
23 through IP address 173.11.1.241, correct?

24 A. I don't know if it was continuous through that  
25 entire period.

1 Q. At one point you said that the only thing  
2 operating through that IP address was the TOR node?

3 A. Correct.

4 Q. Is that a truthful statement?

5 A. Yes. Last year, yes.

6 Q. So through all of 2015, the only thing operating  
7 through 173.11.1.241 was TOR traffic is your statement?

8 A. There may have been --

9 MR. JUSTUS: Object to form. You can  
10 answer.

11 THE WITNESS: Okay.

12 A. I used to have a mail server on that IP address  
13 which I moved sometime around the beginning of last year  
14 to a different IP address.

15 Q. Would you have moved it before the end of March  
16 2015?

17 A. I don't recall exactly when that transfer move  
18 occurred.

19 Q. Other than mail server traffic and TOR node  
20 traffic, was there any other traffic on IP address  
21 173.11.1.241 in 2015?

22 A. Not to my knowledge.

23 Q. Did you ever hook up a personal computer to that  
24 IP address?

25 A. No.

1 Q. Was anybody else provided access to use that IP  
2 address locally through your home?

3 A. No.

4 Q. And your position that any traffic that was not  
5 related to the mail server on 173.11.1.241 would have  
6 been TOR node traffic, correct?

7 A. Correct.

8 Q. Do you ever monitor the TOR node traffic?

9 A. No.

10 Q. Do you ever track users of the TOR node?

11 A. No.

12 Q. Do you have any ability to track users of the TOR  
13 node?

14 A. Not to my knowledge.

15 Q. Describe the hardware failure that resulted in  
16 the TOR node being shut down about five days ago.

17 A. I had TOR running on an older machine and  
18 sometime around mid December, the hard drive developed a  
19 fault.

20 Q. Is that the only computer that was running on  
21 that IP address?

22 A. Yes.

23 Q. You said in December, the hard drive developed a  
24 fault?

25 A. Correct.

1 Q. But you continued to operate the machine until  
2 recently?

3 A. It was very sporadic. It was up and down.

4 Q. Where is that hard drive now?

5 A. It is still located in the machine.

6 Q. And where is that machine?

7 A. In my home office.

8 Q. To your knowledge, have any other computers been  
9 hooked up to access IP address 173.11.1.241 at any time  
10 in 2015, other than this one machine that you have just  
11 described?

12 A. Well, I mentioned the mail server that was  
13 operating on that IP address until the early part of  
14 last year.

15 Q. So the mail server was on a separate machine?

16 A. It was actually on the same physical machine. I  
17 run what's called virtual machine technology.

18 Q. So physically only a single machine was hooked up  
19 to access IP address 173.11.1.241 during the 2015  
20 calendar year, correct?

21 A. No. The machine itself was connected to my  
22 internet connection. That machine ran several virtual  
23 machines. The only virtual machines that were connected  
24 to this IP address in the complaint were a mail server  
25 and the TOR server.

1 Q. But there was only one physical machine hooked up  
2 to the IP address, correct?

3 A. Yes.

4 Q. During the entire 2015 calendar year, only one  
5 physical machine utilized the IP address at issue in  
6 this case, correct?

7 A. Yes.

8 Q. So any access to IP address 173.11.1.241 in the  
9 2015 calendar year would have been through this one  
10 physical machine, correct?

11 A. Yes.

12 Q. Please describe that physical machine.

13 A. It is a computer system mounted in a rack. I'm  
14 not sure what other information you want to know.

15 Q. Who manufactured the machine?

16 A. The machine itself?

17 Q. The physical machine, who was the manufacturer?

18 A. I built the -- the system.

19 Q. What operating system did it use?

20 A. It runs, what's called, ESXI which facilitates  
21 virtual machines.

22 Q. What type of processor did it use or processors  
23 did it use?

24 A. I don't recall the exact model or details about  
25 the processor.



1 Q. Do you know how much ram it had?

2 A. I think the machine had a gig of ram, if I recall  
3 correctly.

4 Q. When did you build the machine?

5 A. About four years ago, I think, approximately.

6 Q. Describe the hard drive space that was utilized  
7 by the machine.

8 A. It had two one terabyte hard drives connected to  
9 what's called a RAID controller.

10 Q. Running RAID what?

11 A. RAID mirror. I don't know which numeric  
12 designation.

13 Q. So you had a total of one terabyte storage space  
14 on this machine mirrored across two drives, correct?

15 A. Two one terabyte drives mirrored.

16 Q. But you had a total of one terabyte storage space  
17 that was mirrored across two drives, correct?

18 A. Correct.

19 Q. Describe the hardware failure.

20 A. The RAID controller developed -- or not  
21 developed, it reported an error on one of the drives.

22 Q. And with the mirror, all data should still be on  
23 the second drive, correct?

24 A. That is the idea, yes.

25 Q. To your knowledge, has there been any data loss